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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RICHARD ECHOLS,

Plaintiff,

vs.

KOKI HOLDINGS AMERICA, LTD., fka
HITACHI KOKI U.S.A., LTD., dba METABO
HPT, a foreign corporation; LOWE'S HOME
CENTERS, LLC d/b/a LOWE'S; DOES I
through X, inclusive; ROE DISTRIBUTORS I
THROUGH X, inclusive; and ROE ENTITIES
I THROUGH X, inclusive,

Defendants.

Case No.: 2:24-cv-00570-RFB-BNW

**PROPOSED JOINT DISCOVERY PLAN
AND SCHEDULING ORDER**

Plaintiff RICHARD ECHOLS, by and through his attorneys of record, JACOB S. SMITH, ESQ., and DAVID T. GLUTH, ESQ., of the law firm of HENNESS & HAIGHT, and Defendants KOKI HOLDINGS AMERICA, LTD., fka HITACHI KOKI U.S.A., LTD., dba METABO HPT and LOWE'S HOME CENTERS, LLC d/b/a LOWE'S, by and through their attorneys of record, SEAN P. FLYNN, ESQ., of GORDON REES SCULLY MANSUKHANI, hereby submit this Proposed Joint Discovery Plan and Scheduling Order.

1. **Meeting:** Pursuant to FRCP Rule 26(f), a meeting was held on May 3rd, 2024, and was attended telephonically by Jacob S. Smith, Esq., of Henness & Haight for Plaintiff Richard Echols, and Jeffrey Swedo, Esq., of Gordon Rees Scully Mansukhani.

1 2. **Pre-Discovery Disclosures:** Pursuant to FRCP Rule 26(a)(1), the parties will make
2 their pre-discovery disclosures, including but not limited to any Computation(s) of Damages
3 required pursuant to FRCP 26(a)(i)(A)(iii), by May 24, 2024.

4 3. **Areas of Discovery:** The parties agree that the areas of discovery should include,
5 but not be limited to: all claims and defenses allowed pursuant to the Federal Rules of Civil
6 Procedure.

7 4. **Discovery Plan:** The parties propose the following discovery plan:

8 **A. Discovery Cut-Off Date(s):**

9 The discovery period shall be calculated as one hundred eighty (180) days from the date of
10 the FRCP Rule 26 conference, such that discovery closes on October 30, 2024.

11 **B. Amending the Pleadings and Adding Parties:** The parties shall have until August
12 1, 2024 to file any motions to amend the pleadings to add parties. This is 90 days prior to the
13 discovery cut off date.

14 **C. Fed. R. Civ. P. 26(a)(2) Disclosure of Experts:** Disclosure of experts shall proceed
15 according to FRCP Rule 26(a)(2) and LR 26-1(e)(3) as follows: the disclosure of experts and their
16 reports shall occur on or before August 30, 2024 (60 days before the proposed discovery cut-off
17 date). The disclosure of rebuttal experts and their reports shall occur on or before September 30,
18 2024 (30 days after the initial disclosure of experts).

19 **D. Dispositive Motions:** The date for filing dispositive motions shall be no later than
20 November 29, 2024, 30 days after the proposed discovery cut-off date. In the event that the
21 discovery period is extended from the discovery cut-off date set forth in this proposed Discovery
22 Plan and Scheduling Order, the date for filing dispositive motions shall be extended to be not later
23 than 30 days from the subsequent discovery cut-off date.

24 **E. Pre-Trial Order:** The date for filing the joint pretrial order shall not be later than
25 December 30, 2024, 30 days after the cut-off for filing dispositive motions. In the event that
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1 dispositive motions are filed, the date for filing the joint pretrial order shall not be suspended until
2 30 days after decision on the dispositive motions or until further order of the court. In the further
3 event that the discovery period is extended from the discovery cut-off date set forth in this Discovery
4 Plan and Scheduling Order, the date for filing the joint pretrial order shall be extended in accordance
5 with the time periods set forth in this paragraph.
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7 **F. Fed. R. Civ. P. 26(a)(3) Disclosures:** The disclosures required by Fed. R. Civ. P.
8 26(a)(3), and any objections thereto, shall be included in the joint pretrial order.

9 5. **Alternative Dispute Resolution:** Counsel for the parties certify that they met and
10 conferred about the possibility of using alternative dispute resolution including mediation,
11 arbitration and/or an early neutral evaluation. The parties agree that an early neutral evaluation
12 would not be effective at this time as the parties and their counsel believe that it is necessary to
13 conduct discovery before attempting to resolve this case. Counsel further agree that a settlement
14 conference will be beneficial after discovery is concluded. Finally, the parties and their counsel are
15 not interested in submitting this case to arbitration.
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17 6. **Alternative Forms of Case Disposition:** The parties certify that they discussed
18 consenting to a trial by a magistrate judge or engaging in the Short Trial Program under Fed. R. Civ.
19 P. 73 and at present do not consent to either alternative form of case disposition.
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21 7. **Electronic Evidence:** The parties certify that they have discussed and intend to use
22 electronic evidence at the trial of this matter and will ensure that said evidence is in an electronic
23 format compatible with the Court's electronic jury evidence display system. At present, the parties
24 have not agreed upon any stipulations regarding use of electronic evidence but will address this issue
25 again in the Pre-Trial Order.

26 8. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** Any
27 stipulation or motion must be made no later than 21 days before the subject deadline. Requests to
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1 extend discovery deadlines must comply fully with LR 26-3.

2 DATED this 17th day of May, 2024.

DATED this 17th day of May, 2024.

3 HENNESS & HAIGHT

GORDON REES SCULLY MANSUKHANI

4
5 /s/ Jacob S. Smith, Esq.

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9 *Attorneys for Plaintiff Richard Echols*

/s/ Sean P. Flynn, Esq.

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Las Vegas, Nevada 89101

Attorneys for Defendants Koki Holdings

America, Ltd. and Lowe's Home Centers,

LLC

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11 IT IS SO ORDERED this 20th day of May, 2024.

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15 UNITED STATES MAGISTRATE JUDGE
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